WP(C) 2320/2007

BEFORE

THE HON'BLE MR JUSTICE B K SHARMA

Heard Ms S P Hussain, learned counsel for the petitioner as well as Mr M Khataniar, learned Standing Counsel for the Education Department.

The petitioner has raised the grievance relating to non-payment of salary for 10 (ten) different months as indicated in Para-7 of the writ petition. She was first appointed by Annexure-1 order dated 13.3.1992 for a period of 3 (three) months. However, her service was extended until further orders by Annexure-2 order dated 9.7.2003. By referring to Annexure-3 order dated 23.9.2005, it is the case of the petitioner that she has been shifted from plan to Non-plan post. Presently, she is serving as Assistant Teacher in Sonari Hindi M.E. School.

The respondents have not filed any counter affidavit indicating the reasons for non-payment of salary to the petitioner for the months as indicated in Para-7 of the writ petition. If the petitioner in fact, served for the months in question, there cannot be any reason to withhold her salary. However, Mr Khataniar, learned Standing Counsel for the Education Department submits that the matter needs scrutiny.

In view of the above, I dispose of the writ petition with a direction to the Commissioner and Secretary to the Government of Assam, Education (Elementary) Department, to take on record the grievance of the petitioner and upon examining her claim shall pass appropriate orders towards entitlement or otherwise the salary of the petitioner for the aforesaid 10 (ten) months, details of which have been indicated in Para-7 of the writ petition. Upon examining the case of the petitioner by the Commissioner and Secretary, if it is found that she is entitled to receive her salary for the said months, she shall be paid the same. The learned counsel for the petitioner has referred to the Annexure-5 letter dated 30.1.2006, by which the Deputy Inspector of Schools, Charaideo, Sonari, enclosed the entitlement of salary statement of the petitioner for the aforesaid months to the District Elementary Education Officer, Sivasagar.

The petitioner may obtain a certified copy of this order and produce the same before the Commissioner and Secretary to the Government of Assam, Education (Elementary) Department along with the copy of the writ petition and its enclosures, who in turn shall pass appropriate orders in terms of the aforesaid direction within 30th of November 2007.

The writ petition stands disposed of.